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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 OBIE STEVEN ANTHONY,  
12  
13 vs. Plaintiff,  
14 LEW, MATTHEW CATE, LARRY SMALL,  
15 Defendants.  
16

CASE NO. 08-CV-1674 JLS (RBB)

**ORDER: (1) ADOPTING REPORT  
AND RECOMMENDATION AND  
(2) GRANTING MOTION FOR  
JUDGMENT ON THE  
PLEADINGS**

(Doc. Nos. 30 & 33)

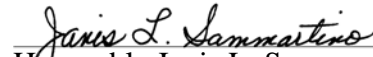
17 Presently before the Court are Defendants' motion for judgment on the pleadings (Doc. No.  
18 30) and Magistrate Judge Ruben Brooks's Report and Recommendation recommending that the  
19 motion be granted. (Doc. No. 33.) Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C.  
20 § 636(b)(1) set forth the duties of a district court in connection with a magistrate judge's report and  
21 recommendation. "The district court must make a *de novo* determination of those portions of the  
22 report . . . to which objection is made," and "may accept, reject, or modify, in whole or in part, the  
23 findings or recommendations made by the magistrate." 28 U.S.C. 636(b)(1)(c); *see also United States*  
24 *v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989); *United States v. Raddatz*, 447 U.S. 667, 676 (1980).  
25 However, in the absence of timely objection, the Court need "only satisfy itself that there is no clear  
26 error on the face of the record." Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (citing  
27 *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

28 Plaintiff has not objected to the Report and Recommendation. Moreover, according to Judge

1 Brooks, "Plaintiff stated that he had no objection to Defendants' Motion and also agreed to dismiss  
2 both [Defendant] Cate and [Defendant] Small." (Doc. No. 33 at 1.) Therefore the Court **ADOPTS**  
3 the Report and Recommendation and **DISMISSES** Defendants Cate and Small.

4 IT IS SO ORDERED.

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6 DATED: June 16, 2010

7   
8 Honorable Janis L. Sammartino  
9 United States District Judge  
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